

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BRUCE WOODS, :
Petitioner, : NO. 1:00-CV-00803
: :
: **ORDER**
v. :
: :
WANZA JACKSON, :
Respondent. : :
:

On September 21, 2000, Petitioner Bruce Woods ("Woods") filed the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 against Respondent Wanza Jackson ("Jackson"), Warden of the Warren Correctional Institution (doc. 1). On April 23, 2004, the Respondent filed a motion to dismiss the petition (doc. 50), claiming that an evidentiary hearing and a concomitant expansion of the record is unnecessary in light of Woods's recent factual assertions. On January 26, 2005, the assigned Magistrate Judge issued a Report and Recommendation (doc. 59) recommending that the motion be denied and that discovery continue "[t]o ensure that the facts of this case are fully developed" and to ensure that the prior decisions of this Court and the Sixth Circuit regarding this matter are given full effect.

The parties were provided proper notice of the Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(C), including notice that failure to file timely objections to the Report and

Recommendation timely would result in a waiver of further appeal. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). Neither party has filed any objections thereto within the prescribed time, rendering the matter ripe for decision. Pursuant to 28 U.S.C. § 636(b), the Court has reviewed the Magistrate Judge's conclusions de novo, and it finds them to be thoughtful and proper.

Accordingly, the Report and Recommendation (doc. 59) is ADOPTED IN ITS ENTIRETY. Respondent's Motion to Dismiss (doc. 50) is DENIED.

SO ORDERED.

Dated: March 18, 2005

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge